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8 **UNITED STATES DISTRICT COURT**
9 **FOR THE WESTERN DISTRICT OF WASHINGTON**
10 **AT SEATTLE**

11 AMULE NYAMBI,

12 Plaintiff,

13 vs.

14 DELTA AIRLINES, INC., a foreign corporation,
15 and Jane and John Does 1-10,

16 Defendants.

Case No.: 2:21-cv-00369

**DEFENDANT DELTA AIR
LINES, INC.'S NOTICE OF
REMOVAL**

[Superior Court of Washington for King
County – Case No. 20-2-17190-5 KNT]

18 **TO:** The Judges of the U.S. District Court for the Western District of Washington

19 **AND TO:** Harold H. Franklin, Jr., Attorney for Plaintiff Amule Nyambi

20 Pursuant to 28 U.S.C. Sections 1331, 1367, and 1441(c), Defendant Delta Air Lines, Inc.
21 (“Delta”) removes the above-entitled case from the Superior Court of Washington for King
22 County, Civil Action No. 20-2-17190-5, to the United States District Court for the Western
23 District of Washington, on the distinct grounds of federal question jurisdiction. 28 U.S.C.
24 Sections 1331 and 1441(a). This Notice of Removal is supported by the Declaration of Kyle D.
25 Nelson (“Nelson Decl.”) filed concurrently herewith, the Declaration of Norma Anderson filed
26 concurrently herewith, and Delta’s statements of facts and arguments below:

I. BACKGROUND

1. On or about November 25, 2020, Plaintiff Amule Nyambi caused a Case Information Cover Sheet, Summons, and Complaint for Damages to be filed in the Superior Court of Washington, in and for the County of King, which was assigned Case No. 20-2-17190-5. On March 10, 2021, Plaintiff filed an Amended Complaint. In accordance with 28 U.S.C. Section 1446(a), a true and correct copy of the Amended Complaint is attached as Exhibit 1 to this Notice of Removal and to the Declaration of Kyle D. Nelson. A true and correct copy of the original Complaint is attached as Exhibit 2 to the Declaration of Kyle D. Nelson. A true and correct copy of the Summons is attached as Exhibit 3 to the Declaration of Kyle D. Nelson.

2. On November 25, 2020, the King County Superior Court filed an Order Setting Civil Case Schedule. *Id.* at ¶ 5, Ex. 4.

3. Plaintiff personally served a copy of the Order Setting Case Schedule, Summons, and Complaint on Delta's registered agent on February 16, 2021. Anderson Decl. at ¶ 3. Plaintiff did not include a copy of the Case Cover Sheet he filed on November 25, 2020, when he served those documents on Delta. *See id.*

4. Counsel for Delta obtained a copy of the Case Cover Sheet filed by Plaintiff from the King County Superior Court Clerk, which is attached to the Declaration of Kyle Nelson as Exhibit 5. Plaintiff filed a duplicate copy of the Amended Complaint on March 10, 2021, which is attached to the Declaration of Kyle Nelson as Exhibit 6.

5. The foregoing Exhibits 1-6 constitutes all of the process, pleadings, and orders either served upon Delta or filed in this action. *Id.* at ¶ 8.

6. The deadline for Delta to remove the action has not expired since receipt by Delta of the Summons and Complaint. Delta has not entered or appeared or voluntarily invoked or submitted to the jurisdiction of the King County Superior Court in any manner. *Id.* at ¶ 9.

7. No further proceedings have been had in the state court as of the date of this Notice. *Id.*

1 8. As of the filing of this Notice of Removal, Delta has not yet answered the
2 Complaint. *Id.* at ¶ 10.

3 **II. FEDERAL QUESTION JURISDICTION**

4 9. “The district courts shall have original jurisdiction of all civil actions arising
5 under the . . . laws . . . of the United States.” 28 U.S.C. § 1331. “[A]ny civil action brought in a
6 State court of which the district courts of the United States have original jurisdiction, may be
7 removed by the defendant . . . to the district court of United States for the district and division
8 embracing the place where such action is pending.” 28 U.S.C. § 1441(a).

9 10. The Complaint alleges a Federal Question pursuant to 28 U.S.C. Section 1331
10 because Plaintiff alleges a claim for violations of the Title VII of the Civil Rights Act (42 U.S.C.
11 § 2000e *et seq.*). Nelson Decl. at Ex. 1 (Plaintiff’s Complaint at Cause of Action A and ¶ 12).

12 11. To the extent the Court does not have original jurisdiction over any of Plaintiff’s
13 other purported causes of action, this Court may exercise supplemental jurisdiction over those
14 claims. Since this Court has jurisdiction over the federal claims related to this case or
15 controversy, it also has supplemental jurisdiction over any state law claims which form part of
16 the same case or controversy. 28 U.S.C. § 1367(a).

17 **III. ALL OTHER REQUIREMENTS FOR REMOVAL ARE SATISFIED**

18 12. This Court is the appropriate venue for removal because it is the federal district
19 court for the district and division where the above-described King County Superior Court case is
20 pending. *See* 28 U.S.C. § 1441(a).

21 13. This Notice of Removal is being timely filed within 30 days of February 16, 2021,
22 when Delta first was served with Plaintiff’s original Complaint. Anderson Decl. at ¶3.

23 14. As required by 28 U.S.C. Section 1446(d), a copy of the Notice of Removal is
24 being filed with the King County Superior Court, attached to a pleading entitled Notice to State
25 Court of Removal to Federal Court.

CERTIFICATE OF SERVICE

I hereby certify that on March 18, 2021, I served the foregoing **DEFENDANT DELTA AIR LINES, INC.'S NOTICE OF REMOVAL** on:

Harold H. Franklin, Jr., Esq.
459 Seneca Ave. NW
Renton, WA 98057
haroldfranklin1@comcast.net

Attorney for Plaintiff

- ☒ by **electronic** means through this Court's electronic CM/ECF filing system.
- ☒ by **mailing** a true and correct copy to the last known address of each person listed above. It was contained in a sealed envelope, with postage paid, addressed as stated above, and deposited with the U.S. Postal Service in Portland, Oregon.
- ☐ by causing a true and correct copy to be **hand-delivered** to the last known address of each person listed above. It was contained in a sealed envelope and addressed as stated above.
- ☐ by causing a true and correct copy to be delivered **via overnight courier** to the last known address of each person listed above. It was contained in a sealed envelope, with courier fees paid, and addressed as stated above.
- ☐ by **e-mailing** a true and correct copy to the last known email address of each person listed above.

Dated: March 18, 2021.

**OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.**

By: s/Rosealynn Seitz

Rosealynn Seitz, Practice Assistant
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